Research Proposal
Submission for Ph.D. Programme

"Hazardous & E-Waste Management: India's Case Study of Effective Environmental Norms'"

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Introduction

An inevitable consequence of development and industrial progress is generation of waste. Therefore, efficient waste management is a matter of international concern and countries have set up robust regulatory waste management regimes for balancing the objectives of development and environment sustainability. In India, the National Environment Policy, 2006 while suggesting measures for controlling various forms of environmental pollution lays emphasis on the need for collection and treatment systems for recycling wastes and devising measures for environmentally safe disposal of residues.

In India, waste management is governed by various sub-ordinate legislations and the Ministry of Environment, Forest and Climate Change, Government of India ("MoEF") in conjunct with State Pollution Control Boards of different states ("SPCB") administer the gamut of waste management regulations. This study aims at providing an overview of the various rules governing waste management in India and the issues faced in their compliance.

Importance of the Study

Hazardous waste management is a critical issue before every society today. It is not confined to the walls of industries or the near vicinity but it is a common universal problem. This study aims at assessing the laws, regulations, judicial decisions and policies of India concerning the handling, processing, dumping of e-waste. Although there are various kinds of hazardous waste which are endangering human life and existence in the contemporary times, but this study shall focus specifically on e-waste related issues, challenges and futuristic plans, with special reference to India.

The significance of the study lies to analyze the role of government authorities and judiciary in the management of hazardous waste in environmentally accepted manner. The laws governing authorities made it obligatory to ensure the management of hazardous waste. The researcher feel that in spite of being responsible for E-waste (Management and handling) rules,

2011, the government authorities fails to take adequate measure for primary collection, segregation, transportation and disposal of E-waste. The present rules and regulations are inadequate both in terms of assessing environment impact of waste and its economic and social implication.

Urban poverty is inextricably linked with hazardous waste. In India, over a million people find source of livelihood in the area of waste. Both the formal and informal sector dealing with waste is affianced in various type of work like waste picking, sorting, recycling etc. it is also important to understand the issue of hazardous waste in this context.

In the light of the result of the study, researcher wants to make an effort to find out the lacunae's in existing laws, rules, regulation and implementation for the effective management of e-waste for the protection and improvement of the environment. Suggestion will be made for active people participation to reduce the production of waste and to promote effective management for the same.

Literature Review:

According to California Integrated Waste Management Board 2005 Computers, televisions, VCRs, Music Systems, Photo copier, wax and other printers fall under this category. It is not very clear to add home appliances in this solid waste or not. But yet they are considered as either electronic or electrical product

Wang et al., (2010) [1] , write in detailed that electronic & electrical waste is actually a family and it has many branches which includes all personal, commercial, educational, transportation, private or public products which mainly work on power and have some at least sort of automation to function to meet the requirement

Kohler, A. et al. (2004) [2],ATSDR (2007)[3] explained Lead: IT is very prominent and dangerous material found in e-waste creates problem for CNS and Peripheral NS, Functioning of

[1]Wang, Y., Luo, C., Li, J., Yin, H., Li, X., Zhang, G., (2011). "Characterization of PBDEs in soils and vegetations near an e-waste recycling site in South China". Environmental Pollution, pg1-pg6

[2] Kohler, A., Erdmann, L., (2004). "Expected environmental impacts of pervasive computing". Human and Ecological Risk Assessment, 10(5), pg 831- pg 852

[3] Agency for Toxic Substances and Disease Registry (ATSDR). Toxicological profile for lead. . Atlanta, GA: US Department of Health and Human Services, Public Health Service. 2007

Kidneys and on Blood circulation. It is essential substance used for varied purpose like for on PCB or for soldering of many components

Ongondo, F.O., et at. (2012)[4] narrated there are many countries that have already started the take back system for electronic products and they also have dedicated laws on e-waste management. In United States of America They have action plan for entire nation and not for specific e-waste producing regions. Even similar plans are implemented by European Union to tackle this problem

Sivakumaran Sivaramanan (2013)[5] confirmed that the public awareness and cooperation of manufactures are essential for the advancement of e-waste management system. And also it is the responsibility of government to allocate sufficient grants and protecting the internationally agreed environmental legislations within their borders. Licensing of certification like e-stewardship may ensure the security to prevent illegal smugglers and handlers of e-waste. As e-wastes are the known major source of heavy metals, hazardous chemicals and carcinogens, certainly diseases related to skin, respiratory, intestinal, immune, and endocrine and nervous systems including cancers can be prevented by proper management and disposal of e-waste.

According to Peeranart Kiddee *et al.* (2013)[6] e-waste can be managed by developing eco design devices, properly collecting e-waste, recover and recycle material by safe methods, dispose of e-waste by suitable techniques, forbid the transfer of used electronic devices to developing countries, and raise awareness of the impact of e-waste. No single tool is adequate but together they can complement each other to solve this issue. A national scheme such as EPR is a good policy in solving the growing e-waste problems.

Yamini Gupt & Samraj Sahay (2015)[7] suggested that financial responsibility of the producers and separate collecting and recycling agencies contribute significantly to the success of the extended producer responsibility-based environmental policies. Regulatory provisions, take

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[4]Ongondo, F.O., Williams, I.D., Cherrett, T.J., (2011). "How is WEEE doing? A global review of the management of electrical and electronic wastes". Waste Management, 31(4), pg 714-pg 730

[5] Sivaramanan, S. "E-Waste Management, Disposal and Its Impacts on the Environment" *Universal Journal of Environmental Research and Technology, 3*(5), 531-537

[6] Kiddee, P., Naidu, R., & Wong, M. H. (2013). "Electronic waste management approaches: An overview." *Waste Management, 33*(5), 1237-1250

[7] Gupta, Y., & Sahay, S. (2015). Review of extended producer responsibility: A case study approach. *Waste Management & Research, 33*(7), 595-611.

back responsibility and financial flow come out to be the three most important aspects of the extended producer responsibility. Presence of informal sector had a negative impact on the regulatory provisi ns.

In Sukeshini Jadhav (2013)[8] observed that proper e waste management will help efficientsourcing and collection right upto extraction and disposal of material, ensuring that e-waste will turn into lucrative products and business opportunity. The manufacturers have to take responsibility for adopting the guideline for manufacturing sound environment product and sustainability management should be started from the product manufacturing stage i.e raw material selection, product and process design can be the important factors for the designed for environment practices, which can facilitate the recycling and reuse. Manufacturer should also try and initiate a take back program to handle the waste so that proper management and disposal of e-waste can be done. This way as 60% e-waste is coming from industry, can contribute to a very large part of Electronic waste management collection and establishing clean e-waste channels.

UNEP (2010)[9] report predicts that by 2020, E-waste from old computers in India will increase to 500%; from discarded mobile phones will be about 18 times high; from televisions will be 1.5 to 2 times higher; from discarded refrigerators will double or triple; than its respective 2007 levels. Considering the growth rate, studies show that the volume of E-waste will reach nearly 2 million MT by 2025.

Shubham Gupta *et al.* (2014)[10] studied that in developing countries like India, China, Indonesia, Brazil, commercial organizations tend to focus more on economic aspects rather than environmental regulations of e- waste recycling. So, for the profitable recovery of reusable materials and sustainable environment, the efficient recycling of this waste has been rendered indispensable, and is considered as a challenge for today's society.

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[8] Jadhav, S. (2013). "Electronic Waste: A Growing Concern in Today's Environment Sustainability." *International Journal of Social Science & Interdisciplinary Research, 2*(2), 139-147

[9] UNEP (2010). A report - recycling - from E-waste to resources. United Nations Environment Programme (UNEP); February 22, 2010.

[10] Gupta, S., Modi, G., Saini, R., & Agarwala, V. (2014). "A review on various electronic waste recycling techniques and hazards due to its improper handling". *International Refereed Journal of Engineering and Science, 3*(5), 5-17. ISSN: 2319-1821

Sikdar & Vaniya (2014)[11] in their research stated that government should introduce some topics related to disposal of e-waste materials and its recycling and adverse effects of e-waste on health of human body in Environmental Education as a compulsory subject from lower to higher gr des.. It should reach most parts of the population at a young age, and more e-waste friendly behavior should be practiced on daily basis.

Hassan Taghipour *et al.* (2012)[12] suggested that a policy should be framed extending producer responsibility (EPR) programme in combination with a training programme at different levels of society. An approach consisting of a mandated product take back is proposed for implementing EPR in Iran. Meanwhile, the Health Ministry and the Environmental Protection Agency should strictly supervise E-waste collection, storage, and recycling and/or disposal, and the Trade and Industry Ministries must have more control over the import and production of electronic goods.

Ms. Neetu Lukose(2015)[13] stated that in her research that improper handling and management of E-waste during re-cycling and other end of life treatment options may develop potentially significant risk to both human health and environment. In India consumer is expected to receive payment for their E-waste, which is viewed as potentially valuable resource. She further stated that if management of E-waste properly carried out, is an opportunity as it is offen called as "urban mining".

Vijaypal singh(2018)[14] in his article critically analyzed the available regulation relating to municipal solid waste (management and handling) rules, 2003 in accordance with provisions of the Environment Protection act 1986.

Kalyan Bhaskar & Ram Mohan R Turaga(2018)[15] interviewed the sample of stack holder including commercial establishment and regulatory agencies in western India and concluded that there has been an increase in the formal waste processing capacity after implementation of the

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[11] Sikdar, M., Dr., & Vaniya, S. (2014). "The New Millennium and E merging Concerns." *International Journal of Scientific and Research Publications, 4*(2), 1-12.

[12] Taghipour, H., Nowrouz, P., Jafarabadi, M. A., Nazari, J., Hashemi, A. A., Mosaferi, M., & Dehghanzadeh, R. (2012). "E-waste management challenges in Iran: presenting some strategies for improvement of current conditions." *Waste Management & Research, 30*(11), 1138-1144.

[13] Ms Neetu Lukose, "A Review on E-waste Management and Recycling challenges in India", International Journal of Scitific & Engineering Research, Vol.6, Issue-3, March 2015.

[14] Vijaypal singh, "Law relating to E-waste Management in India : A Critical Study" published on papers.ssrn.com on 22 may,2018.

[15] Kalyan Bhaskar & Ram Mohan R Turaga, "India's E-waste rules and their impact on E-waste management practice : A case study." Journal of Industrial Ecology, 22(4);930-942, August 2018.

Rules only 5% to 15% of total waste generation. While the EPR Regulation forced the producer to take action on few relatively inexpensive aspects of the Rules, the collection and recycling system has not been made convenient for consumer to deposit e-waste in formal collection and recycling center.

The researcher has further reviewed the following literature

Environment Law and policy in India[16] by Shyam Divan and Armin Rosencranz is a valuable addition concerning the various legal provision & policies for the environment protection in India. The author has discussed various aspects of urban problems which includes sanitation, waste management etc. The author has made an attempt to discuss that Hazardous Waste Management is a neglected area of urban development. There is no system to segregate non-recyclable & recyclable waste at the source of its origin. The book has further highlighted on failure of government bodies to implement the Hazardous Waste (Management & Handling) Rules 1989 by furnishing data of waste generation of various cities of India.

Solid Waste Management[17] by V.K. Prabhakar is a remarkable work which discussed in detail the concept of Hazardous waste management. The author has quantify the nature and characteristic of various types of waste. It has further appraise the impact of waste on environment. The author outlines the procedure and techniques being used to minimize the problem of waste and further highlighted the role of private sector in the management of residential waste.

Introduction to Environment Law[18] by S. Shantha Kumar throws light on the journey from the Stockholm to Rio Summit which led to the recognition that all human beings are entitled to a healthy & productive life in harmony with nature. The author has discussed in detail the various types of pollution and the concerned legal framework. In context of Land Pollution, the author has described dumping & improper disposal E- waste as sources of Land Pollution. The author concentrates that management of hazardous waste is one of the obligatory services. In spite of being responsible for provision of waste management, the urban local bodies generally fail more

[16] Oxford University Press, New Delhi, 2002
[17] Anmol Publication Pvt. Ltd, New Delhi, 2001.
[18] Wadhwa & Co., Nagpur, 2005

adequate provisions for primary collection, transportation & disposal of waste in an environmentally accepted manner.

Environmental Law[19]by P.S. Jaswal elaborates the various efforts various Constitutional, Legislative, Administrative and Penal provisions for the protection of environment in India. The book also investigate the low relating to various types of wastes generated in the country highlighted the role of judiciary in protection of environment from these waste.

The Impact of Environment Laws on Industry[20] by Surinder Kumar Pauchauri elaborates two types of waste Municipal Solid Waste and Hazardous Waste. Both these pose a grave hazard owing to their toxicity and volume. The municipal & local authorities entrusted with the task of Waste Management are grappling the problem with limited resources at that disposal. The author outlines the various approaches to tackle the waste in scientific way with special reference to the techniques like vermin composting.

Environment Pollution[21] by S.M. Shafi covers major aspects of environment, air pollution, water pollution, soil and land pollution, noise pollution etc. Urbanization has resulted in shortage of free land area for waste to be deposited. The author has linked the problem of soil pollution with the mismanagement of solid waste & has highlighted the health and environment impact caused due to hazardous waste.

Environment Waste Management[22] by J.P. Shastri focuses that waste remain unutilized by various bodies involved at different levels in management of waste. The author suggests recycling of these wastes by using low cost techniques. It will further fulfill the long-lasting need of pollution abatement.

Research Gap

A kaleidoscopic survey of the existing literature depicts a gloomy picture of the subject. Almost negligible amount of work exists to deal with efforts of legislature toward hazardous waste management. No serious effort has been made to estimate, account and analyze the role of Indian Judiciary for effective hazardous waste Management.

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[19] Pioneer Publication, Delhi, 2006
[20] Aditya Books Pvt. Ltd. New Delhi, 2006.
[21] Atlantic Publishers, New Delhi, 2005.
[22] Anmol Publication, New Delhi, 2004

An effort will be made to fill this gap through present study and to find out the lacunae's in the existing laws, rules, regulations etc. and implementation for the effective management of waste for the protection and improvement of the environment.

In addition to above all it is very important to know, no study on rules and regulations relating to e-waste management in Indian Legal system was conducted with this depth earlier. And this is an earnest attempt to fill the research gap in this direction.

Objects and Scope of the study :

There were no special laws with regard to the management of hazardous waste thus there was great need for the special law that would exclusively deal with regard to the management of hazardous waste. Hazardous waste management is serious issue remaining neglected for many years.

The legislative framework of environment law in India is like a crazy-quilt. Indian parliament enacted The Water Pollution Act in 1974, after Stockholm Conference. After seven years The Air Act, 1981 was enacted. Only in 1986 an umbrella legislation called the Environment (protection) Act, 1986 was implemented. None of these legislation deals with E-waste as a specific subject matter. So the main object of the study is.

1. To analyze the concept of Hazardous Waste, especially e-waste.
2. To comprehensively assess the nature, scope and the methods available to handle, dispose & recycle hazardous waste
3. To scrutinize the adequacy and efficacy of the extant laws, regulations and policies that have been created till date.
4. To examine India's international obligations concerning hazardous waste management and International framework in this regard.
5. To critically examine the role of the higher judiciary in contributing to the development of environmental jurisprudence and the legal control in the field of Hazardous Waste Management.

Research Questions

- How can legislation and regulation be used to improve the management of hazardous waste in general and specially in reference to E- waste?
- How are regulations on hazardous waste in India enforced and monitored?
- What deficiencies exist in legislation for effective E-waste management in India?
- What factor affect hazardous waste management in India other than the frame work of legislation and monitoring of regulations?
- What effects do the regulations have on e-waste management?
- How has the higher judiciary contributed in strengthening the body of laws in India to deal with hazardous waste management?

Hypothesis postulated for study

1. The Existing laws, Regulations and Policies dealing with the Hazardous Waste Management in India are insufficient in terms of effectiveness and implementation so that they have become ineffective in protecting the environment generally and health of the people in particular.

2. International conventions dealing with various type of hazardous waste are against the interest of developing country.

3. Electric & Electronic Industries function in gross violation of the existing E-Waste (Management and Handling) Rules, 2016 thereby posing dangers to their workers, visitors and the public at large.

Methodology Adopted to conduct the study

The methodology researcher wants to adopt for the study is combination of doctrinal and non-doctrinal with more focus on doctrinal. The study will be carried on a legal proposition or propositions by way of analyzing the existing statutory provisions and the cases by applying reasoning power. The case law study method will be adopted which help the researcher to know how legislative provisions are implemented and how the Judiciary has been successful in imparting.

Judgments related to hazardous west management and fundamental right to healthy environment will analyze. By adopting this method, the current position of regulation regarding hazardous waste management will specifically know.

Different aspects will be studied keeping in mind the existing laws and rules relating to the theme by the Supreme Court and various high court, various polices, published articles affection to the same.

The source material for study will basically collect from the secondary sources. Relevant statues, published books by eminent authors, case-laws, articles published in journals, various judgment by the courts of foreign country will referred. Material from various national as well as international conferences, seminar, consultation and workshops will also collect. Most recent and day to day development will collect from various website, print and electronic media to study the significance of the topic.

The primary data will be collected through e-survey to analyze the awareness regarding hazardous waste disposal and reuse among the various stakeholders.

Limitations of the study

In the presence study the researcher will study the statues, rules and guidelines applicable to hazardous waste management. This study will be limited in its scope as it only studies legal regime related to hazardous waste. Hazardous waste management is vast and it covers all types of waste like E-waste, solid waste, hazardous waste, led acid batteries and plastic waste etc.It’s needed to be studied to understand the whole scope of waste hazardous waste management but the presence study only emphasis on E- waste management also as mention earlier hazardous waste management is a vast issue and is affect all around the

world thus for the proper view of laws applicable various laws of various countries should be studied but the researcher in the present study is limiting the research to the laws of very few countries.

Scheme of the Study

The present study has been divided into nine chapters which are as follows:

1) **Introduction to the study :**

The first chapter introduces the study. It talks about the concept of hazardous waste and its management. It explains why the present study is done and how the present study would be useful to people. It provides various objectives the researcher wishes to achieve by the study and explain the scope of the study. It provides for various hypotheses that the researcher assumes about the result of the study and on the basis of which the researcher shall proceed with the research. It further provide for the method the researcher shall follow during the research. It also provides for limitations in the scope of the study.

2) **Introduction to hazardous waste management and E-waste management**

This chapter deals with the nature and meaning of hazardous waste. It further provides causes of hazardous waste & its effects on human kind. It's also classified the waste on the basis of its nature & point of evolution. This chapter also discusses present waste management strategy in India. In the second part chapter has underlined the special place of E-Wastes amongst other wastes. It's classified the E-waste & describes Hazardous effect of it. It's also discussed various policies for E-waste management and emphasize on recycling of E-waste. In this chapter responsibilities of various players like Government, Industries and citizen will also described.

3) **Legal regulation on Hazardous waste management in India:**

This chapter emphasize on regulatory regime of hazardous waste management. The specific rules for management and handling of Hazardous Waste in India from ancient times to till the present, along with the amendments discussed in the first part. In the second part provisions of the Indian constitution, Criminal Procedure code, Factory Act (Sec. 41A

to 41K)& provisions of various environmental laws will be discussed. Various rules regarding hazardous waste management like The Hazardous Waste (Management and Handling) Rules, 1989, The Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, The Batteries (Management and Handling) Rules, 2001, The Bio- Medical waste (Management and Handling) Rules, 2016, The Plastic Waste (Management and Handling) Rules, 2011, Construction and Demolition waste management rules, 2016 etc…Will discussed.

4) **International Legal Regime for hazardous waste management :**

This chapter describes various international conventions on hazardous waste management like BASEL convention, BOMAKO convention, Rotterdam convention, Waigani convention, Cartagena Convention & MARPOL 73/78. This Chapter also analyses the framework of EU on e-waste.

5) India's case study on effectiveness of Environmental Norms regarding E – waste Management:

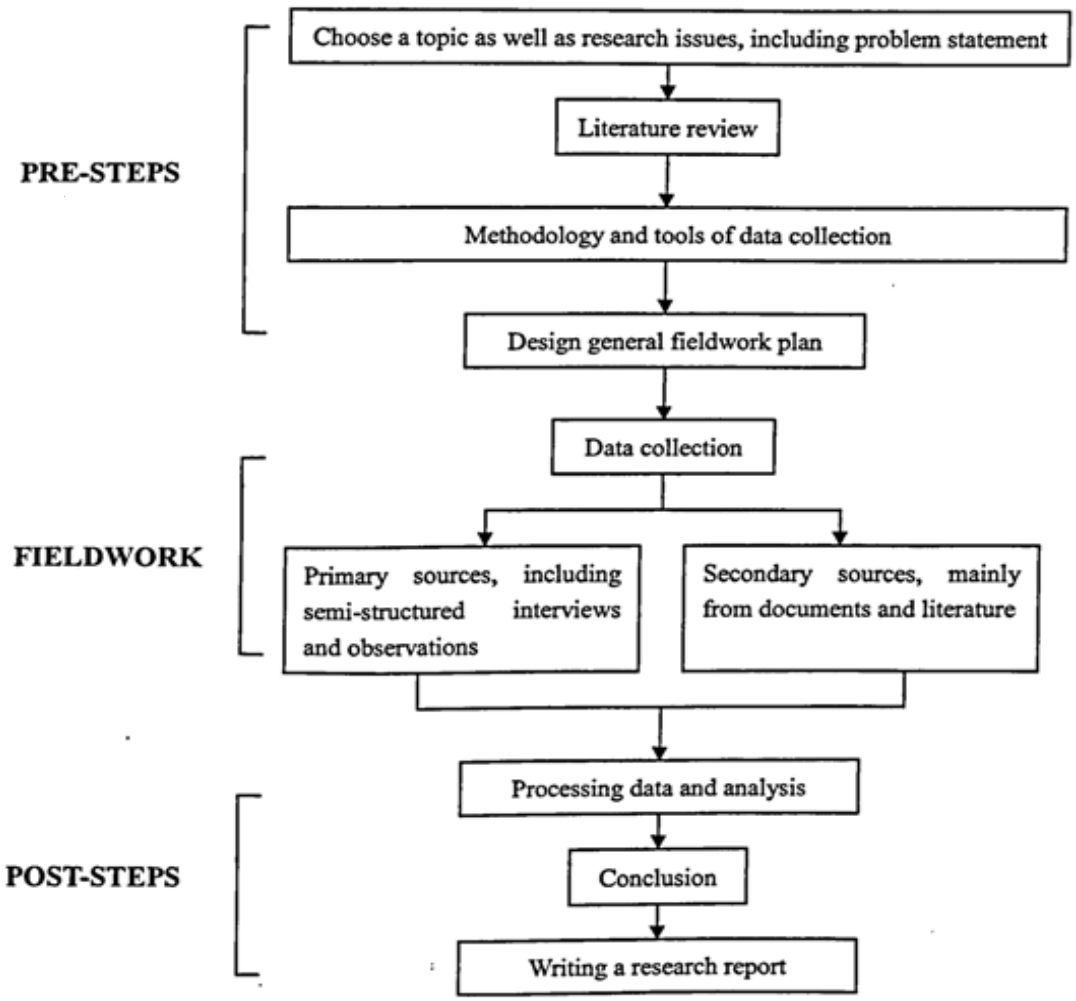
This chapter analyzesE-Waste (Management & Handling) Rules, 2011, E-Waste (Management & Handling) Rules, 2016 and National Guidelines for Environmentally Sound Management of E-waste, 2008. The E-survey will be conducted on awareness regarding E-waste disposal among various stakeholders.

6) **Indian Judiciary on Hazardous Waste Management**:

This chapter describes judgments on issue relating to hazardous waste management by The supreme court & different high courts.

7) Conclusions & Suggestions.

Research Process


PRE-STEPS
Choose a topic as well as research issues, including problem statement
Literature review
Methodology and tools of data collection
Design general fieldwork plan
FIELDWORK
Data collection
Primary sources, including semi-structured interviews and observations
Secondary sources, mainly from documents and literature
POST-STEPS
Processing data and analysis
Conclusion
Writing a research report

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